

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NIPPON SHINYAKU CO., LTD.,)
)
Plaintiff,)
)
v.) C.A. No. 21-1015 (GBW)
)
SAREPTA THERAPEUTICS, INC.,)
)
Defendant.)
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SAREPTA THERAPEUTICS, INC. and THE)
UNIVERSITY OF WESTERN AUSTRALIA,)
)
Defendant/Counter-Plaintiffs,)
)
v.)
)
NIPPON SHINYAKU CO., LTD.)
and NS PHARMA, INC.)
)
Plaintiff/Counter-Defendants.)

**SAREPTA THERAPEUTICS, INC. AND THE UNIVERSITY OF WESTERN
AUSTRALIA'S MOTION TO EXCLUDE INEQUITABLE CONDUCT
OPINIONS AND TESTIMONY FROM SCOTT E. KAMHOLZ, ESQ.**

Pursuant to Federal Rule of Evidence 702, Sarepta Therapeutics, Inc. (“Sarepta”) and the University of Western Australia (“UWA”) respectfully move for the Court to exclude the opinions and testimony of Scott E. Kamholz, Esq. relating to inequitable conduct, including the opinions provided in his Opening, Rebuttal, and Reply Reports, served on September 8, 2023, October 11, 2023, and October 27, 2023, respectively, and to preclude Dr. Kamholz from testifying at trial. The grounds for this Motion are set forth in the Opening Brief in support thereof, filed concurrently.

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/s/ Megan E. Dellinger

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December 11, 2023

RULE 7.1.1 CERTIFICATION

Pursuant to D. Del. LR 7.1.1, the subject of this motion was raised with counsel for Nippon Shinyaku Co., Ltd. and NS Pharma, Inc. during a telephonic meet and confer that included Delaware counsel for all parties, and the parties were not able to reach agreement.

/s/ Megan E. Dellinger

Megan E. Dellinger (#5739)

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SAREPTA THERAPEUTICS, INC. and THE)
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NIPPON SHINYAKU CO., LTD.)
and NS PHARMA, INC.)
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Plaintiff/Counter-Defendants.)

**[PROPOSED] ORDER GRANTING SAREPTA THERAPEUTICS, INC. AND THE
UNIVERSITY OF WESTERN AUSTRALIA'S
MOTION TO EXCLUDE INEQUITABLE CONDUCT
OPINIONS AND TESTIMONY FROM SCOTT E. KAMHOLZ, ESQ.**

Having considered Sarepta Therapeutics, Inc. ("Sarepta") and the University of Western Australia's ("UWA's") motion to exclude the opinions and testimony of Scott E. Kamholz, Esq. relating to inequitable conduct, and all related papers filed in connection therewith,

IT IS HEREBY ORDERED that Sarepta and UWA's motion is **GRANTED**: the opinions and testimony of Scott E. Kamholz, Esq. relating to inequitable conduct (set forth in Dr. Kamholz's Opening, Rebuttal, and Reply Reports, served on September 8, 2023, October 11, 2023, and October 27, 2023) is hereby excluded, and NS shall not offer Dr. Kamholz as a witness at trial.

IT IS SO ORDERED, this ____ day of _____, 2024.

The Honorable Gregory B. Williams
U.S. District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that on December 11, 2023, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on December 11, 2023, upon the following in the manner indicated:

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/s/ Megan E. Dellinger

Megan E. Dellinger (#5739)